



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL - 3 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James A. Santory
Director - Environmental, Health and Safety
Calgon Carbon Corporation
Post Office Box 717
Pittsburgh, Pennsylvania 15230-0717

RE: CERCLA Off-Site Rule: Notice of Unacceptability for
Calgon Carbon Corporation - Big Sandy Plant
EPA ID Number KYD 005 099 923

Dear Mr. Santory:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Region 4, has determined that conditions may exist at the Calgon Carbon Corporation - Big Sandy Plant (Calgon) located at US Route 23 South in Catlettsburg, Kentucky, which may render this facility unacceptable for the receipt of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Off-Site Rule (OSR) waste. The OSR waste to which this Notice of Unacceptability applies is defined as that waste generated as a result of activities authorized pursuant to, or funded by, CERCLA. The receipt of such OSR waste by facilities is regulated by the OSR found at 40 CFR §300.440; and at 58 FR 182 pages 49200 - 49218, September 22, 1993.

This determination of unacceptability will become effective 60 calendar days from the date on this notice if EPA finds that the relevant violations and/or releases alleged in this notice are continuing. If this notice goes into effect, the Calgon facility in Catlettsburg, Kentucky, will remain unacceptable for the receipt of OSR waste until such time as EPA notifies the owner/operator otherwise.

On September 20 and 21, 2005, EPA and the Kentucky Department for Environmental Protection (KYDEP) conducted a multi-media inspection at the Calgon facility located in Catlettsburg, Kentucky. EPA has mailed to you a Resource Conservation and Recovery Act (RCRA) inspection report (the EPA report) detailing the findings from that inspection. Additionally, EPA issued Calgon two Information Requests pursuant to Section 3007 of RCRA on November 16, 2005, and May 25, 2006. EPA and Calgon representatives met on April 17, 2007, and December 10, 2007, to discuss the findings of the inspection. Calgon submitted its written response to EPA's inspection findings in April, May, June, and December 2007. The EPA report, the 3007 letters with your answers, and your written responses are hereby incorporated by reference.

The EPA report, in conjunction with the two 3007 letters, and written responses reveal the following relevant violations and/or releases:

- (1) In the Thaw Building inspectors found 69 containers that were not marked with the date storage began. (See pages 6 and 7 of the EPA report.) Those 69 containers represent approximately 75 tons of hazardous waste that was not properly marked pursuant to Permit Condition II.I.9, 40 CFR §268.50, and 401 KAR 37:050 Section 1(b)(1).
- (2) Two 20,000 gallon containers stored in the Thaw Building are not permitted for storage in this building. (See page 7 of the EPA report.) This violates Permit Condition II.I.1.b.
- (3) The concrete containment system in the Thaw Building was observed to have cracks, and the previously repaired cracks were discovered to have deteriorated. (See pages 6 and 7 of the EPA report.) This condition does not meet the requirements to have an impervious barrier between the waste and the environment to contain leaks, spills, and accumulated precipitation as required by Permit Conditions II.I.6, 40 CFR §264.175(b)(1) and 401 KAR 34:180 Section 6(2)(a).
- (4) The deteriorated condition of the Thaw Building concrete containment system demonstrates that this system has not been maintained to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents to the soil as required by Permit Condition II.C.1, 40 CFR §264.31 and 401 KAR 34:030 Section 2. (See page 7 of the EPA report.)
- (5) In the Carbon Regeneration Unit Container Storage Yard inspectors found ten 1,000-pound containers of hazardous waste that were not marked with the date storage began. (See page 8 of the EPA report.) This is a violation of Permit Condition II.I.9, 40 CFR §268.50, and 401 KAR 37:050 Section 1(b)(1).
- (6) In the Carbon Regeneration Unit Container Storage Yard, which is a permitted outdoor storage area, inspectors observed cracks in the paving, and discovered that the repairs to previously repaired cracks had deteriorated. (See page 8 of the EPA report.) This condition does not meet the requirements to have an impervious barrier between the waste and the environment to contain leaks, spills, and accumulated precipitation as required by Permit Conditions II.I.6, 40 CFR §264.175(b)(1) and 401 KAR 34:180 Section 6(2)(a).
- (7) The deteriorated condition of the paving for the Carbon Regeneration Unit Container Storage Yard demonstrates that this paving has not been maintained to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents to the soil as required by Permit Condition II.C.1, 40 CFR §264.31 and 401 KAR 34:030 Section 2. (See page 8 of the EPA report.)

(8) In the 90 Day or Less Accumulation Area, inspectors observed a release of hazardous waste from a container marked, "Hazardous Waste." (See page 9 of the EPA report.) Furnace hearth slag had spilled from a 20- to 30-cubic yard container onto and near to cracks in the paved surface. Both the release of hazardous waste and the cracks in the paved surface are a violation of Permit Condition II.C.1, 40 CFR §264.31 and 401 KAR 34:030 Section 2 which require this storage area to be maintained to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents to the soil. Additionally, this constitutes a release of hazardous waste.

(9) Releases of hazardous waste from the open vents of tanks D-701, D-702 and D-704 of the permitted Hazardous Waste Tanks in Area B were discovered by inspectors. (See page 12 of the EPA report.) This is a violation of Permit Condition II.C.1, 40 CFR §264.31, and 401 KAR 34:030 Section 2. Additionally, this constitutes a release of hazardous waste.

(10) Permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902) were found by inspectors to not be operating under negative pressure which resulted in a release of hazardous waste to the environment. (See page 12 of the EPA report.) This release of hazardous waste is a violation of Permit Condition II.C.1, 40 CFR §264.31 and 401 KAR 34:030 Section 2 which require these tanks to be maintained to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents to the soil. Additionally, this constitutes a release of hazardous waste.

(11) Permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902) were found by inspectors not being operated and maintained at a pressure below atmospheric pressure. (See pages 14 and 15 of the EPA report.) This is a violation of 40 CFR §265.1033(j)(2).

(12) The closed vent system for the permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902) was not monitored to ensure proper operation and maintenance. (See page 15 of the EPA report.) This is a violation of 40 CFR §265.1033(k)(1)(i-ii).

(13) For the permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902) Calgon failed to determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with an organic concentration that equals or exceeds 10 percent by weight. (See page 15 of the EPA report.) This is a violation of 40 CFR §265.1063(d).

(14) Calgon failed to control air pollutant emissions from the permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902) as required by 40 CFR §265.1082(b), 40 CFR §265.1085(d)(3), and 40 CFR §265.1085(g). (See page 15 of the EPA report.) This is a violation of this regulation. Additionally, this constitutes a release of hazardous waste.

- (15) Calgon failed to maintain adequate records for its permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902). (See page 16 of the EPA report.) This is a violation of 40 CFR §265.1090(e).
- (16) Calgon failed to give notice to the Director of the closure of the furnace feed tank associated with its carbon regeneration unit. (See page 18 of the EPA report.) This is a violation of Permit Condition III.E.10; 401 KAR 38:040 Section 3(1)(d); and 40 CFR §270.42(a)(2), Appendix I, Section D.1.b.
- (17) Calgon failed to submit an amended closure plan and close the furnace feed tank associated with its carbon regeneration unit. (See page 18 of the EPA report.) This is a violation of Permit Condition II.G.3; 401 KAR 34:070 Section 3; and 40 CFR §264.112(c).
- (18) Calgon failed to bring its thermal treatment process to a steady state condition of operation before adding hazardous waste. (See pages 19 and 21 of the EPA report.) This is a violation of 40 CFR §265.373 and 401 KAR 35:250 Section 2.
- (19) Calgon failed to sufficiently analyze previously untreated waste in its thermal process in order to establish steady state or other appropriate operating conditions. (See page 20 of the EPA report.) This is a violation of 40 CFR §265.375 and 401 KAR 35:250 Section 3.
- (20) Calgon failed to conduct the monitoring and inspection requirements as required by 40 CFR §265.377(a) and 401 KAR 35:250 Section 4. (See pages 20 and 21 of the EPA report.) This includes failure to monitor temperature and emission controls at least every 15 minutes, and to visually observe stack emissions, at least hourly, to inspect, at least daily, their thermal treatment process and associated equipment for leaks, spills and fugitive emissions. This is a violation of those regulations.
- (21) Calgon failed to determine if waste carbon on the ground next to the Carbon Regeneration Unit (CRU) building was a hazardous waste. (See page 22 of the EPA report.) This is a violation of 40 CFR §262.11 and 401 KAR 32:010.
- (22) Calgon released hazardous waste on the concrete floor of the CRU bag house area and on the paved areas outside of this building. (See page 23 of the EPA report.) This release of hazardous waste is a violation of 40 CFR §265.31 and 401 KAR 35:030 Section 2, which require the facility to be maintained to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents to the soil. Additionally, this constitutes a release of hazardous waste.
- (23) Calgon failed to demonstrate the bag house dust generated by CRU's air pollution control system is an effective substitute for hydrated lime and failed to perform laboratory analysis on the bag house dust used as a product substitute. (See pages 23 and 24 of the EPA report.) This is a violation of 40 CFR §261.2(e)(1)(ii) and 401 KAR 31:010; and 401 KAR 35:020 Section 4(1)(a); and 40 CFR §265.13(a)(1).

(24) Calgon failed to determine if carbon sediment dredged from storm water lagoons is hazardous waste by performing laboratory analysis on spent carbon sediment stored directly on the ground. (See page 25 of the EPA report.) This is a violation of 401 KAR 35:020 Section 4(1)(a); and 40 CFR §265.13(a)(1).

(25) Calgon failed to document weekly inspections of its 90 Day or Less Storage Area for almost one year. (See pages 30 and 31 of the EPA report.) This is a violation of 401 KAR 35:020 Section 6(4).

(26) Calgon failed to record inspections of hazardous waste containers in accordance with the requirements of RCRA Permit, Part VI, Attachment II, Section F-2(a). (See page 34 of the EPA report.) This is a violation of Permit Condition Part II, Section II.I.5, and Part VI, Attachment II, Section F-2(a).

(27) Calgon failed to inspect the secondary containment system for tanks in Area B, at least daily, for almost one year. (See page 34 of the EPA report.) This is a violation of Permit Condition Part II.B.4, 40 CFR §264.195(b)(3), and 401 KAR 34:190 Section 6(2)(c).

(28) Calgon failed to inspect its hazardous waste storage tanks in Area B as required by its permit in Part VI, Attachment II, Section F-2(a). (See page 35 of the EPA report.) This is a violation of their Permit in Part VI Attachment II Section F-2(a).

(29) Calgon failed to document inspections for the tanks in Area B. (See page 35 of the EPA report.) This is a violation of the requirements of RCRA Permit, Part VI, Attachment IV, Section F-2b(2), Reactivation System - Area B.

(30) Calgon failed to maintain in its operating records, Land Disposal Restriction notifications and certifications from June 2004 to October 2004. (See pages 36 and 37 of the EPA report.) This is a violation of Permit Condition IIIG.2, 40 CFR §264.73(11) and/or (12), and 401 KAR 34:050 Section 4(2)(k) and/or (l).

Such observations as described above demonstrate that conditions may exist at Calgon's Big Sandy Plant which render this facility unacceptable for the receipt of OSR waste. Therefore, EPA must make the preliminary determination that Calgon is not acceptable for the receipt of such waste.

The OSR provides the facility an opportunity to request an informal conference with responsible officials to discuss the basis for the facility's unacceptable determination under the rule. The written request for an informal conference must be made within 10 calendar days from the date of this notice.

Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than 30 calendar days after the date of this notice, if possible. During the informal conference Calgon may discuss with EPA the basis for the underlying violations and/or release, and their relevance to the facility's acceptability to receive OSR waste.

Calgon may submit written comments within 30 days from the date of this notice in addition to, or in lieu of, requesting an informal conference. The failure to request an informal conference or submit written comments will result in no further consideration by EPA during the 60 calendar days after the date of this notice.

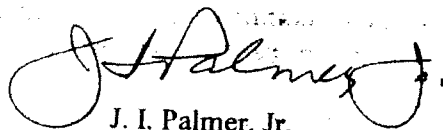
If Calgon requests an informal conference and/or submits written comments within the specified time frames to EPA for review by responsible officials, EPA will inform Calgon of its decision after the informal conference and review of comments. Unless the information provided is sufficient to support an acceptable determination, the facility will become unacceptable on the 60th calendar day after issuance of the initial notice.

Within 10 calendar days of receipt of the notice from EPA that the supplemental information is insufficient to support an acceptable determination, Calgon may request that the unacceptable determination be reconsidered by the Regional Administrator (RA). Reconsideration may be by review of records, by conference, or by other methods deemed appropriate by the RA. The reconsideration will be conducted within 60 calendar days of the date of the initial notice, if possible, and does not automatically stay the unacceptable determination beyond the 60-day period. The owner/operator will receive notice in writing of the decision of the RA.

In the event the unacceptable determination becomes effective, Calgon may then be considered for acceptability whenever EPA finds that it has fulfilled the criteria stated in 40 CFR §300.440(b). Upon such a finding, EPA shall notify Calgon in writing.

If you have any questions concerning this notice, please contact Edmond Burks by telephone at (404) 562-8587 or by e-mail at burks.edmond@epa.gov.

Sincerely,



J. I. Palmer, Jr.
Regional Administrator

cc: R. Bruce Scott, Commissioner, KYDEP
Anthony R. Hatton, Director, Division of Waste Management, KYDEP
Jeffrey Cummins, Acting Director, Division of Enforcement, KYDEP